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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,454	11/06/2001	Syouji Higashida	107400-00044	4669
4372	7590	10/17/2003	EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			MONDT, JOHANNES P	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/926,454	Applicant(s) HIGASHIDA ET AL. <i>pl</i>	
	Examiner Johannes P Mondt	Art Unit 2826	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see Note below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-7.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10. ☐ Other: \_\_\_\_\_.

Continuation of 2. NOTE: Although Applicant characterizes the Request for Reconsideration as an Amendment, no amendment to any claim language is included. Therefore, the application is not in better form for appeal.

Continuation of 5. does NOT place the application in condition for allowance because: With regard to the remarks in traverse of the rejection under 103(a) of claim 1 as being unpatentable over Yamamoto et al in view of Kobayashi et al, in particular the allegation that Yamamoto et al "do not disclose or suggest bringing the outermost layer of the diode (n-layer) in contact with metal film" (page 7 of Remarks), said contact follows from the statement in section [0003] that the Zener diode is a protection device between the gate G and the source S. (Redundantly, see also front figure where metal contact between the inner most region 12 with both S and G and that of outer most region 12 with 15 is indicated). With regard to the rejection under 103(a) of claims 1-6 as being unpatentable over Williams et al in view of Yamamoto et al, the first allegation concerning Williams ("Williams however does not disclose that connecting both end portions of the diode with metal films reinforces the protective functions of the diode") is moot, being directed only to disclosing function rather than structure (the ring-shaped structure is derived from Yamamoto et al, not Williams et al); while the second allegation on Williams et al ("if the diode of Williams is formed into a ring form and positioned on the periphery of the integrated circuit, there would be no cell area around the outer circumference to form a cell area") apparently is oblivious to a direct consequence of a ring-shaped diode design choice, namely: that the cell area in relation to the ring-shaped diode has to be on the inside in relation to the diode ring. Finally, Applicant refers and repeats the remarks discussed above with regard to the rejection of claim 1 over Yamamoto et al in view of Kobayashi et al. With regard to the Remarks on the rejection of claim 3, as mentioned in the office action the one ring-shaped metal film is gate wiring 712 in Williams (Figure 7A, column 10, line 1); for details see office action. With regard to the Remarks on the rejection of claim 7 only the vertical orientation of the alternatively doped layers in the stacked Zener diode has to be taught by Throngnumchai et al, the three layers being present in Yamamoto et al, Williams et al and Kobayashi et al. In view of the above, the final rejection must regrettably be maintained.